

REMARKS

The above amendments and following remarks are responsive to the points raised in the July 31, 2003 non-final Office Action. Upon entry of the amendments, Claims 1-4, 9-11, and 17-19 will have been amended. Claims 1-24 will be pending. No new matter has been introduced. Entry and reconsideration are respectfully requested.

Response to the Objection to the Specification

The Examiner has objected to the specification on the basis that the word “mode”, as used in the specification, is inconsistent with the word’s use in the claims. As such, the Examiner urges that the specification is unclear. Correction is required.

Applicant has amended the language used in the claims to overcome the objection. Accordingly, the objection is now moot and should be withdrawn.

Response to the Rejections Under 35 § U.S.C. 103(a)

Claims 1-5, 9-13, and 17-21 have been rejected under 35 U.S.C. § 103(a) as being obvious over Suzuki (US Patent 5,691,772) in view of Kutaragi (US Patent 4,584,598). Claims 6-8, 14-16, and 22-24 have been rejected under 35 U.S.C. § 103(a) as being obvious over Suzuki in view of Kutaragi and further in view of Okino (US Patent 5,617,139).

The Examiner admits that Suzuki does not teach each feature of the invention as recited in independent Claims 1, 9, and 17. Thus, the Examiner attempts to rely on the secondary reference of Kutaragi to remedy the admitted deficiencies of Suzuki. The image pickup apparatus, method, and recording medium as recited in Claims 1, 9, and 17

of the present application acquires first information for white balance when an operating unit (release switch) is half depressed, and acquires second information for the white balance when the operating unit is fully depressed, to perform white balance processing on an image picked up in response to fully-depressing of the operating unit, in accordance with the first and second information.

In contrast, Suzuki discloses the acquisition of luminance information using a photometry sensor when a release switch is half depressed (Column 5, line 58, through Column 6, line 65). However, Suzuki fails to teach the first and second information acquisition modes of the white balance control unit as recited in independent Claims 1, 9, and 17 as amended herein. The secondary reference of Kutaragi teaches the use of white balance corresponding to a spectrum or a first flashlight emitted from a flash when an image is picked up (Column 6, Lines 37-50), but fails to teach a white balance control unit in accordance with the invention as recited in the claims.

Neither Suzuki nor Kutaragi teach, suggest or render obvious, either alone or in combination, the image pickup apparatus, image pickup method, and recording medium for computer-readable storing a program for executing an image pickup method as recited in Claims 1, 9, and 17. Nowhere is it seen where Suzuki and/or Kutaragi teach or suggest first and second information modes of the white balance control unit. As such, the image pickup apparatus, method, and recording medium recited in Claims 1, 9, and 17 is distinguished over Suzuki and Kutaragi, either alone or in combination. Dependent Claims 2-5, 10-13, and 18-21 are likewise distinguished over Suzuki and Kutaragi for at least the same reasons as their respective independent Claims 1, 9, and 17. As such, the rejection under 35 U.S.C. § 103(a) over Suzuki in view of Kutaragi should be withdrawn.

Further, neither Suzuki nor Kutaragi teach or suggest an image pickup apparatus wherein the white balance processing performed by the white balance control unit is switched in accordance with on and off of the display unit as recited in newly added Claims 25 and 26.

As discussed above, Applicant submits that the subject matter of independent Claims 1, 9, and 17 are distinguished over Suzuki and Kutaragi, either alone or in combination. For at least the same reasons as Claims 1, 9, and 17, dependent Claims 6-8, 14-16, and 22-24 are distinguished over Suzuki in view of Kutaragi and in further view of Okino. The Examiner, nonetheless, attempts to rely of the tertiary teaching of Okino remedy the further admitted deficiencies of both Suzuki and Kutaragi. While the Examiner relies on Okino only to teach to compute information about white balance, there is no teaching, suggestion, and/or motivation advanced by Okino that would lead one of ordinary skill in the art to combine the teachings of Suzuki, Kutaragi, and Okino to arrive at the image pickup apparatus, method, and recording medium recited in any of the amended Claims 1-24 and/or the newly added Claims 25 and 26. Accordingly, the rejection under 35 U.S.C. § 103(a) over Suzuki in view of Kutaragi in further view of Okino should be withdrawn.

CONCLUSION

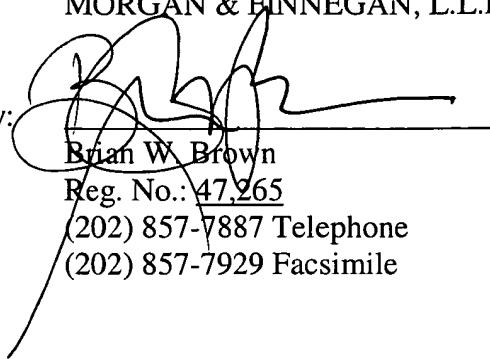
Applicants respectfully submit that Claims 1-26 are in condition for allowance and a notice to that effect is earnestly solicited.

AUTHORIZATIONS:

The Commissioner is hereby authorized to charge any additional fees which may be required for the timely consideration of this amendment, or credit any overpayment to Deposit Account No. 13-4500, Order No. 1232-4599.

Respectfully submitted,
MORGAN & FINNEGAN, L.L.P.

Date: October 31, 2003

By: 

Brian W. Brown
Reg. No.: 47,265
(202) 857-7887 Telephone
(202) 857-7929 Facsimile

Correspondence Address:

Morgan & Finnegan
345 Park Avenue
New York, NY 10154
(212) 758-4800 Telephone
(212) 751-6849 Facsimile